

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: OMAHA DIST DRO

FILE NUMBER: 200580211

REGULATORY PROJECT MANAGER: MCKEE

PROJECT REVIEW/DETERMINATION COMPLETED: In the office

At the project site

Date:

Date: April 18, 2005

PROJECT LOCATION INFORMATION:

State: CO

County: Boulder

Center coordinates of site by latitude & longitudinal coordinates: 40 00 23, 105 06 16

Approximate size of site/property (including uplands & in acres): 31

Name of waterway or watershed: Coal Creek

SITE CONDITIONS: Rural Agricultural

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Irrigation Ditch (3)									x

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors¹:

	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?			x		

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Approved X Preliminary

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

(1) Davidson Highline Lateral: Local land owner says this ditch has been cut off and no longer transfers water. Also one branch terminates in upland the other branch goes to the South Boulder Canyon Ditch that eventually terminates in upland (200180708 approved Oct 20, 2004 field verification. (2) Northern Edge Old Irrigation Lateral does not meet characteristics of wetlands or stream bed. It is an irrigation ditch built on dry land. (3) Abandoned Structure Drainage Ditch does not meet characteristic of wetlands or stream bed and terminates in upland.

